

Message

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Subject: FW: OW The Morning Insider

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Hello All,

FYI...see below.

Thanks,

Miriam

Miriam Varnado

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February 1, 2021

NEWS

Inside EPA: Bipartisan Group Pushes Biden For Quick PFAS Rules But Also Readies Bill

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Inside EPA: NAS Launches Discussions On Public Health Impacts From Agriculture

The National Academy of Sciences (NAS) has launched an interdisciplinary discussion about how to reduce the human health impacts from excess nitrogen that comes from agriculture, raising questions about how to adapt farming practices to reduce nitrate in drinking water.

Bloomberg Law: Water Utilities Seek Relief From Congress As Covid-19 Debt Rises

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Chemical and Engineering News: PFAS control ranks high on environmental agenda

President Joe Biden is promising to address tap water tainted with per- and polyfluoroalkyl substances (PFAS). These toxic synthetic substances, which don't break down in the environment, are increasingly being detected in rivers and aquifers that supply drinking water across the US.

Bloomberg Law: Colorado River Getting Saltier Sparks Calls for Federal Help

Water suppliers along the drought-stricken Colorado River hope to tackle another tricky issue after the U.S. Bureau of Reclamation installs a new leader: salty water.

FULL ARTICLE

Inside EPA: Bipartisan Group Pushes Biden For Quick PFAS Rules But Also Readies Bill

A bipartisan group of 132 House lawmakers is urging President Joe Biden to take immediate steps to regulate per- and polyfluoroalkyl substances (PFAS) while also readying legislation on a range of additional items, part of a three-part strategy to tackle PFAS through legislation, policy-making and public education.

Led by Reps. Dan Kildee (D-MI) and Brian Fitzpatrick (R-PA), lawmakers sent a Jan. 29 letter, signed by 125 Democrats and seven Republicans, urging Biden to take a host of actions on PFAS, recognizing the president's campaign commitments to act on protections from the chemicals.

Among the calls are for EPA to quickly set a drinking water standard for two PFAS and list them as hazardous substances under the Superfund law.

The chemicals -- a class of thousands of non-stick, persistent substances -- have been used in a range of commercial, industrial and consumer products but have also contaminated drinking water systems and other sources across the country.

"According to the Environmental Working Group, more than 200 million Americans likely have drinking water and food contaminated with PFAS chemicals," the lawmakers say. "Nevertheless, [EPA], Food and Drug Administration (FDA) and Department of Defense (DOD) have been slow to address the risks posed by PFAS. There are currently no limits on PFAS releases and uses and no requirement to clean up PFAS contamination."

The lawmakers urge Biden to address "the growing PFAS pollution crisis" by taking immediate steps "to reduce PFAS releases, phase out non-essential PFAS in everyday products, and clean up legacy PFAS pollution."

But Kildee and others also sought to explain during a Jan. 29 press conference that legislation is still needed, even with what appears to be a willing Biden administration to move ahead on regulatory measures.

Biden's campaign last year released an environmental justice plan that pledged to tackle PFAS pollution through setting a Superfund hazardous substance designation, setting drinking water limits, "prioritizing substitutes through procurement, and accelerating toxicity studies and research on PFAS."

Kildee said PFAS will require a "whole-of-government approach," with Congress providing "tools legislatively," and the administration using those tools. While there are a number of steps the administration can

take without legislation, he said he believes those “would soon have to be followed with legislation to ensure that they have the policy backing and the financial resources to move as aggressively as possible.”

Kildee, Fitzpatrick and other members held the press conference to relaunch the bipartisan Congressional PFAS Task Force, initially started in the last Congress, and to outline priorities for the 117th Congress.

Kildee told reporters that while lawmakers in the last Congress were able to approve significant bipartisan legislation on PFAS, including cleanup funding and a phase-out of PFAS in the military’s aqueous firefighting foam, “our work obviously is far from over, and that’s why it’s important to relaunch the bipartisan PFAS task force today. In this new Congress, the task force is looking forward to working with the Biden Administration to address and quickly clean up these toxic, forever chemicals.”

He said that is why one of the group’s first actions is a letter to Biden outlining the need for strong executive and legislative action.

‘Keep the Pressure On’

During the press conference, Rep. Debbie Dingell (D-MI) -- a primary advocate for PFAS legislation and regulation -- reiterated three priority actions lawmakers will press on this year: the reintroduction soon of comprehensive PFAS legislation that passed in the House last year, working with the Biden administration to “knock out important PFAS mitigation policies immediately that can be done from the regulation process that don’t require an act of Congress,” and continued public education and inspiring the grassroots movement to act on cleanup using policies grounded in science.

Of the comprehensive legislation, she said the caucus members have the backing of House leadership and the energy committee, noting that it will “keep the pressure on and signal to the incoming administration that this is a top priority.”

She added the lawmakers are calling for swift enactment of the legislation and she also hopes to advance separate legislation later this year to ban PFAS in food containers.

The lawmakers signaled they are wrestling with the possibility of legislative carveouts for entities such as drinking water utilities -- which potentially could be held liable for cleanup costs due to their role as a conduit for PFAS getting into the environment, even though they did not generate the chemicals. At the same time, the lawmakers stressed the need to hold polluters and those who profited off the chemicals responsible.

Dingell said lawmakers are “talking about” potential carveouts for certain entities. But, she added, “It’s a very complicated subject -- one that’s got to be dealt with, and one that we will keep talking about because you can’t let some people off scot free either when they knew they had a forever chemical that was killing people.”

Fitzpatrick echoed her comments, noting that the subject over who should pay for cleanups is raised a lot. He noted that chemical companies made hundreds of millions of dollars from the sale of these products and ought to be investigated as to the timing of when they knew about potential harmful consequences from the chemicals.

“If we’re putting the burden on the taxpayers, essentially we could be taxing the very people who are victims.”

Biden PFAS Actions

In their letter, the House lawmakers list a host of measures, including that Biden direct EPA to “quickly finalize a national drinking water standard” for the two most studied PFAS -- perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) -- and to immediately designate these two as “hazardous substances” under the Superfund law and revise groundwater cleanup standards.

The letter also seeks other regulatory measures and policy and schedule-related actions. On the regulatory side, the members call on the administration to “quickly restrict industrial releases of PFAS into the air and water by using the tools provided by the Clean Air Act and the Clean Water Act and to expand reporting of these releases through the Toxic Release Inventory.” They also want EPA to be required to test and report on the presence of PFAS in biosolids.

In addition, they call for actions under the Toxic Substances Control Act (TSCA), including requiring EPA to institute an immediate moratorium on the introduction of new PFAS, and to use all of TSCA’s tools to assess the risks posed by PFAS. They also ask that EPA and FDA phase-out non-essential uses of PFAS in food packaging, cosmetics, and sunscreen and that EPA amend the Significant New Use Rule to address all imports.

Also, they urge the administration to direct DOD to speed up efforts to end the use of PFAS in firefighting foams, impose a ban on the incineration of legacy foam and accelerate PFAS cleanup at active and closed military bases.

Further, the lawmakers ask that the congressional PFAS task force receive regular updates on the administration’s PFAS work, particularly from EPA, FDA and DOD.

And they call for the administration to direct DOD to test service members for PFAS in their blood and direct the Federal Emergency Management Administration to back efforts to clean up PFAS pollution near fire training centers.

During the press conference, the lawmakers also called for greater accountability from DOD in complying with cleanup standards, whether set by the federal government or states. Kildee said lawmakers have weighed in with the Biden transition team to say they want to see top-level directives that DOD will seek to apply the highest standard, not minimal standards, on PFAS.

Inside EPA: NAS Launches Discussions On Public Health Impacts From Agriculture

The National Academy of Sciences (NAS) has launched an interdisciplinary discussion about how to reduce the human health impacts from excess nitrogen that comes from agriculture, raising questions about how to adapt farming practices to reduce nitrate in drinking water.

The effort, which began Jan. 28, is part of NAS’ Environmental Health Matters Initiative (EHMI), which aims to tackle challenging environmental issues by bringing together diverse groups of experts to exchange information, consider possible actions and accelerate policy and technology progress. EHMI, however, does not produce reports with specific recommendations as other NAS panels do.

The results of the discussion could boost calls for EPA to revise its drinking water standard for nitrate as well as for changes to federal Farm Bill programs to incentivize practices that reduce the amount of nitrogen runoff from fertilizer applied to crops and manure from animal feeding operations.

Nitrogen is an essential element for both proteins and enzymes in the human body and for food production, but too much of it can be a health hazard or an environmental pollutant, Ken Cassman, emeritus professor of agronomy at the University of Nebraska, said during the Jan. 28 session, the first of five sessions to be held weekly.

EPA's Safe Drinking Water Act maximum contaminant level (MCL) for nitrate, which is a form of nitrogen, is 10 milligrams per liter (mg/L), a level set to protect infants below the age of 6 months from developing methemoglobinemia, a blood disorder in which too little oxygen is delivered to the cells and which can cause shortness of breath and blue-baby syndrome.

But nitrate in drinking water can also form into n-nitroso compounds (NOCs) in the body and cause cancer, adverse reproductive outcomes and thyroid disease, Mary Ward of the National Cancer Institute said.

Approximately 300 NOCs have been tested in animals, with 90 percent of the NOCs found to be carcinogenic in the 39 animal species that were tested. The compounds caused tumors in multiple organs, including the lungs, digestive tract, bladder, kidney, ovary and thyroid, Ward said.

There have been far fewer epidemiology studies of nitrate in drinking water, but given the wide range of animals that have been tested, including non-human primates, there is no reason to believe NOCs are not also carcinogenic in humans, she said. And the International Agency for Research on Cancer in 2010 classified ingested nitrate and nitrite as probably carcinogenic to humans when ingested under conditions favorable for endogenous nitrosation.

Of the human studies that have been done, the strongest correlation is between nitrate ingestion and colorectal cancer, Ward said, although some studies have also linked it to bladder and kidney cancer, and brain cancer in children. The Iowa Women's Health Study, which Ward said was an especially well-designed study, found an increased risk of bladder and ovarian cancers.

High maternal methemoglobin can cause spontaneous abortions in lab animals and livestock, and a 1996 Centers for Disease Control and Prevention study of a cluster of spontaneous abortions in rural Indiana indicates this could be true for humans as well. The women in the study got their water from private wells, with nitrate levels above 20 mg/L, but when they switched to low-nitrate water, they went on to have healthy live births, Ward said.

Additionally, numerous studies have shown a link between nitrate ingestion during the first trimester of pregnancy and congenital malformations, especially of the central nervous system, and some of these studies have shown adverse outcomes at levels less than the MCL, Ward said.

Water Treatment

The annual cost for drinking water utilities to remove nitrate from drinking water varies greatly, from less than \$250 per person to more than \$500 per person, said Craig Cox, Environmental Working Group senior vice president for agriculture and natural resources.

Therefore, measures that would prevent nitrate from reaching drinking water sources would reduce water treatment costs, Cox said.

Matt Helmers, director of the Iowa Nutrient Research Center, said areas of the country with extensive crop production have extensive nitrogen inputs from commercial fertilizer and manure, and nitrate that leaches into the soil below the plant root zone is susceptible to loss to downstream surface or groundwater.

However, Eric Davidson, director of the Appalachian Laboratory of the University of Maryland Center for Environmental Science, said inputs, efficiencies and leaks of nitrogen into the environment can be managed, and the use of a crop-animal-food-ecosystem framework can help identify the scales where policies may be most effective in mitigating nitrogen losses at each scale

Bloomberg Law: Water Utilities Seek Relief From Congress As Covid-19 Debt Rises

Struggling public water utilities are launching a public relations blitz to showcase how they've aided customers during the coronavirus pandemic—and to lobby Congress for relief of their own.

The public water sector is being pounded by a global health crisis requiring clean water for handwashing and a cratering economy that makes affording reliable access difficult for many ratepayers. The vast majority of Americans—nearly 90 percent—rely on publicly-owned systems for drinking water and wastewater services.

“There is a growing water affordability problem across the country,” said Kristina Surfus, managing director of government affairs at the National Association of Clean Water Agencies, which represents public wastewater and stormwater agencies.

NACWA and the Association of Metropolitan Water Agencies (AMWA) on Monday are launching a media and advocacy campaign that will consist of digital ads, congressional and grassroots lobbying, and a focus on telling local utilities' stories, Surfus said. AMWA includes the largest publicly-owned drinking water systems in the country.

The public water sector estimates it faces a more than \$8 billion shortfall since last March from unpaid bills because of the pandemic and subsequent spike in unemployment. It comes as federal investment in such water infrastructure is down, while operations, maintenance, and compliance costs are growing.

Congress in December inserted \$638 million into the fiscal 2021 omnibus spending package (Public Law 116-260) for the Health and Human Services Department to create a Low-Income Household Drinking Water and Wastewater Emergency Assistance Program to provide relief to ratepayers in need during the pandemic through state grants.

The public water sector was grateful, though it's a drop in the bucket of what it says it needs. As Democrats push to pass President Joe Biden's \$1.9 trillion coronavirus relief proposal, the groups are working to draw attention to their continuing struggle.

“Congress must do more,” said Adam Krantz, NACWA's chief executive officer.

'Permanent Policy Solution'

Along with targeted aid for the sector and ratepayers in an upcoming relief package, groups like NACWA would like to see the federal government provide permanent, reliable funding for low-income households through the creation of a program that does for water what the Low Income Home Energy Assistance Program (LIHEAP) does for heating and cooling costs. LIHEAP assists eligible households with their home energy costs.

Sens. Ben Cardin (D-Md.), Debbie Stabenow (D-Mich.), and Roger Wicker (R-Miss.) introduced legislation before the pandemic hit that would create a pilot program within the Environmental

Protection Agency to award grants to help low-income families pay drinking water and sanitation bills. The measure didn't advance.

Cardin "was pleased Congress acted on a bipartisan basis to provide one-time water utility assistance, but access to affordable drinking water and wastewater services is a chronic issue that predates the pandemic—and was exacerbated by it," said Sue Walitsky, a spokeswoman for Cardin. "A permanent policy solution is still needed."

Cardin will reintroduce the bill in the coming months, Walitsky said.

Surfus said NACWA has been discussing legislation with Reps. John Katko (R-N.Y.) and Lisa Blunt Rochester (D-Del.). The offices of Katko and Blunt Rochester didn't immediately respond to a request for comment about the legislation.

'The Longer it Goes, the Harder it Gets'

Many public water utilities had to implement moratoria on water shutoffs for needy ratepayers when the pandemic hit the U.S. in March 2020. Several of those policies are still in place nearly a year later, including at DC Water and Maryland's WSSC (Washington Suburban Sanitation Commission) Water.

"Past due accounts have increased 77 percent since last March," said Joe Beach, deputy general manager for administration at WSSC Water, which serves Montgomery and Prince George's counties in Maryland. Beach said WSSC Water has made about \$130 million in budget cuts to make up for expected losses.

DC Water also has tightened its belt—including instituting a hiring and travel freeze—to offset its accumulating debt, according to Vincent Morris, a spokesman for the utility.

"The amount of residential delinquencies before the pandemic was about \$12 million, and now it's \$20 million," said Morris.

DC Water also provides services for restaurants, sporting venues, hotels and other businesses that now have smaller water bills because they're empty during the pandemic.

"We've also lost a lot of revenue that way," Morris said. "The longer it goes, the harder it gets."

Chemical and Engineering News: PFAS control ranks high on environmental agenda

President Joe Biden is promising to address tap water tainted with per- and polyfluoroalkyl substances (PFAS). These toxic synthetic substances, which don't break down in the environment, are increasingly being detected in rivers and aquifers that supply drinking water across the US.

A handful of states have limits on certain PFAS in drinking water, but no national standards exist.

On former president Donald J. Trump's last full day in office, the Environmental Protection Agency took a first step toward Biden's goal of establishing enforceable, health-based limits for two substances in the PFAS family that are found widely in drinking water—perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). They were formerly used as ingredients in foams used to douse fuel fires. PFOA and PFOS are often found in groundwater near military bases, airports, and firefighter training facilities.

Biden's campaign platform called for the EPA to designate some PFAS as hazardous substances under the federal Superfund law for cleaning up contaminated land and aquifers. In another last-minute action under Trump, the EPA formally asked for public comment on whether the agency should list some PFAS as hazardous substances. Melanie Benesh, legislative attorney for the Environmental Working Group, an advocacy organization, faulted this move because it delays the regulatory process for making the designations. If

finalized, the listing would require companies and federal facilities to report releases of PFAS into the environment and make them liable for cleanup. It would pave the way for the federal government to clean up PFAS-polluted sites and recoup the costs from polluters.

Michael Regan, Biden's nominee to captain the EPA, has hands-on experience grappling with PFAS in drinking water from his tenure as secretary of the North Carolina Department of Environmental Quality. In recent years, researchers discovered that hundreds of thousands of North Carolinians had PFAS in their drinking water.

If confirmed, Regan would oversee ongoing research on the best means for disposal of PFAS waste, such as incineration or novel destruction technologies.

In his campaign platform, Biden also promised to promote safer substitutes for PFAS through federal procurement policies.

Bloomberg Law: Colorado River Getting Saltier Sparks Calls for Federal Help

Water suppliers along the drought-stricken Colorado River hope to tackle another tricky issue after the U.S. Bureau of Reclamation installs a new leader: salty water.

The river provides water for 40 million people from Colorado to California, and helps irrigate 5.5 million acres of farm and rangeland in the U.S. But all that water also comes with 9 million tons of salt that flow through the system as it heads to Mexico, both due to natural occurrence and runoff, mostly from agriculture. Salt can hurt crop production, corrode drinking water pipes, and cause other damage.

Various efforts along the river or tributaries annually remove about 1.2 million tons of salt. But the largest brine-removal system in the basin has been shuttered for two years over earthquake concerns. In December, President Donald Trump's outgoing administration released a final environmental review on what to do about it.

The chosen course: No action, leaving the fate of the project and of salt removal murky. Now local suppliers say they will be pressing the Biden administration to do the opposite.

"For the last two years the salt has been flowing back into the river," said Bill Hasencamp, chair of the Colorado River Basin Salinity Control Forum, which represents all of the states that draw from the river. "We were very disappointed. There's no plan to capture [it] going forward."

Water suppliers have filed comment letters about the "no action" decision and sent letters to former Reclamation Commissioner Brenda Burman. The average annual economic loss from salinity levels in the Colorado River is estimated to be \$495 million, Reclamation said in its environmental review.

At issue is the Paradox Valley Unit near the Colorado-Utah border. The project, in operation since 1996, took saline groundwater before it could hit the Colorado and the Dolores River, a tributary, and injected it more than three miles beneath the surface into a well disconnected from the river system. About 95,000 tons of salt were removed each year.

But injecting, like hydraulic fracturing, can cause seismic shifts.

Reclamation shut down Paradox Valley in March 2019 after a magnitude 4.1 earthquake, which the U.S. Geological Survey considers moderate in size. Operations resumed for a six-week test at reduced use in spring 2020, but the well currently isn't operating.

Technical experts are evaluating next steps and it's too soon for the agency to propose a new salinity control plan, Reclamation spokeswoman Linda Friar said in an email.

The agency currently doesn't plan to issue a record of decision, which would finalize the "no action" plan Reclamation selected, she said.

Hasencamp, also manager of Colorado River resources for the Metropolitan Water District of Southern California, and others had pushed for that delay in comments filed with Reclamation earlier this month.

"I think this is going to be one of the first things the basin states is going to want to sit down about with the new commissioner," said Chris Harris, executive director of the Colorado River Board of California during a recent meeting. "I would just hate to see us taking a step back."

President Joe Biden has nominated New Mexico Rep. Deb Haaland as Interior Secretary and Tanya Trujillo, an expert on water law and the Colorado River, as principal deputy assistant secretary for water and science. A Reclamation commissioner hasn't been named yet.

"We want to keep the door open for other options" beyond the "no action" alternative, Hasencamp said. "The hope is the new administration understands the importance of salt control."

Rejected Options

In its environmental review, Reclamation considered and rejected building a new injection well, using evaporation ponds for brine to be treated at the surface, and building a discharge facility to evaporate and condense water before sending salt to a landfill.

The "no action" alternative was "in the best interest of public health and safety," Ed Warner, Reclamation's Western Colorado Area office manager, said in a news release.

James Eklund, former director of the Colorado Water Conservation Board, said when he served as the state's representative on salinity control programs, he was "pretty adamant" that the bureau should switch from earthquake-causing deep injection wells to evaporating ponds in order to deal with the saltwater. Eklund is now at Denver-based Eklund Hanlon LLC.

"Oklahoma knows what can happen under that approach," he said, citing earthquakes in the state caused by fluid waste from oil and gas production being injected deep underground.

Reclamation said in the review that without the Paradox Valley treatment, it would still be in compliance with the federal Colorado River Basin Salinity Control Act, which authorizes treatment projects to control water quality. It also announced on Jan. 19 plans to spend \$1.2 million for eight desalination research projects in California, New Mexico, and Texas.

Economic Losses

But more than 600 miles south, the loss of Paradox Valley could increase salinity levels at Imperial Dam by 9 to 10 parts per million, which could lead to \$23 million in estimated economic losses each year, Harris, from the Colorado River Board of California, said in a December letter to Burman, a Trump appointee no longer in office.

The EPA doesn't have a drinking water standard for sodium chloride, but it has a voluntary standard of 250 parts per million for chloride, a component of salt. Voluntary standards are generally related more to aesthetic concerns like taste and appearance.

"It's not huge, but we get essentially a ton of salt in every acre-foot of water," said Tina Shields, water manager for Imperial Irrigation District, which borders Mexico. "If you don't continue to implement these upstream salinity control measures by default, it can only go up."

Nearly all farmers in the Imperial Irrigation District have drains installed beneath the surface to leach salt away from crops, which requires even more water. But that's not a permanent solution.

Imperial is the last stop for water before it gets into Mexico, where the Colorado River delivers water to 2.3 million people and 500,000 acres of agriculture.

"I don't think any water district along the Colorado River would support the 'no action' alternative," Shields said.

Expensive Treatment

Urban areas will be able to weather the salt problem better than agricultural ones because they have mass treatment to comply with drinking water standards, said Patricia Mulroy, former general manager of the Southern Nevada Water Authority and owner of the consulting firm Sustainable Strategies.

"It's not good for agriculture," she said. "It's going to make treatment more expensive."

Mulroy is more concerned about the Colorado River system's current 20-year drought, and what it means for future operations. Reclamation forecasts show this could be one of the region's driest years. Drought contingency plans adopted in 2019 call for reductions when Lakes Mead and Powell fall below certain levels. Mandatory water cuts for this year have already been triggered for Arizona, Nevada, and Mexico.

But that lack of water also affects water quality.

"When you have that much less water and all the salt coming in, it's going to have even a bigger impact," Hasencamp said. "Long-term, it's a big deal if groundwater basins salt up."

John W. Fuld, Ph.D.

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